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8 **Attorney for Defendant**
9 **MICHAEL ALVARO**

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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF CALIFORNIA
13 SACRAMENTO DIVISION

14 UNITED STATES OF AMERICA,) Case No. CR S 04-491 FCD
15))
16) Plaintiff,)
17))
18) STIPULATION AND ORDER
19) CONTINUING HEARING ON CHANGE OF
20) PLEA
21))
22 vs.))
23 MICHAEL ALVARO,))
24))
25) Defendants.)
26))
27))
28))

19 It is hereby stipulated and agreed to between plaintiff, UNITED STATES OF
20 AMERICA, through its counsel of record, Daniel S. Linhardt, Assistant United States Attorney,
21 and defendant, MICHAEL ALVARO, through his counsel of record, Joseph J. Wiseman, that the
22 hearing scheduled for October 3, 2005, at 9:30 a.m., be rescheduled to October 17, 2005, at 9:30
23 a.m. The parties are requesting this continuance to provide defense counsel with additional time
24 to discuss with defendant the plea agreement the government has proffered in the case.

25 The parties further stipulate and agree that time from the date of this Order through the
26 date of the hearing set for October 17, 2005 be excluded from the speedy trial

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1 calculation pursuant to 18 U.S.C. §§ 3161(h)(8)(B)(iv) (reasonable time to prepare) and Local
2 Rule T4.

3
4 Dated: September 29, 2005

Respectfully submitted,

5 JOSEPH J. WISEMAN, P.C.

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7
8 Dated: September 29, 2005

By: /s/ Joseph J. Wiseman

JOSEPH J. WISEMAN
Attorney for Defendant
MICHAEL ALVARO

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McGREGOR W. SCOTT

12 United States Attorney

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By: /s/ Daniel S. Linhardt

DANIEL S. LINHARDT, AUSA
Attorney for Plaintiff
UNITED STATES OF AMERICA

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ORDER

19 GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED THAT the
20 hearing in the above-captioned case be continued to October 17, 2005 at 9:30 a.m.
21
IT IS FURTHER ORDERED THAT the time from the date of this Order to October 17, 2005 be
22 excluded pursuant to 18 U.S.C. §§ 3161(h)(8)(B)(iv) (reasonable time to prepare) and Local Rule
23 T4.
24

25 Dated: September 29, 2005

/s/ Frank C. Damrell Jr.

26 FRANK C. DAMRELL

27 UNITED STATES DISTRICT JUDGE